



1 Who to Name as Respondent

2 You must name the person in whose actual custody you are. This usually means the Warden or  
 3 jailor. Do not name the State of California, a city, a county or the superior court of the county in which  
 4 you are imprisoned or by whom you were convicted and sentenced. These are not proper  
 5 respondents.

6 If you are not presently in custody pursuant to the state judgment against which you seek relief  
 7 but may be subject to such custody in the future (e.g., detainees), you must name the person in whose  
 8 custody you are now and the Attorney General of the state in which the judgment you seek to attack  
 9 was entered.

10 A. INFORMATION ABOUT YOUR CONVICTION AND SENTENCE

11 1. What sentence are you challenging in this petition?

12 (a) Name and location of court that imposed sentence (for example; Alameda  
 13 County Superior Court, Oakland):

14 Riverside Superior Court Riverside County

15 Court Location

16 (b) Case number, if known CR4 7285

17 (c) Date and terms of sentence 9/9/94 - 15 years to life

18 (d) Are you now in custody serving this term? (Custody means being in jail, on  
 19 parole or probation, etc.) Yes xx No       

20 Where?

21 Name of Institution: CTF Soledad

22 Address: P.O. Box 689, Soledad, Calif. 93960

23 2. For what crime were you given this sentence? (If your petition challenges a sentence for  
 24 more than one crime, list each crime separately using Penal Code numbers if known. If you are  
 25 challenging more than one sentence, you should file a different petition for each sentence.)

26 Penal Codes 187 and 159

27 \_\_\_\_\_

28 \_\_\_\_\_

1                   3. Did you have any of the following?

2                   Arraignment:                   Yes xx           No \_\_\_\_\_

3                   Preliminary Hearing:           Yes xx           No \_\_\_\_\_

4                   Motion to Suppress:           Yes xx           No \_\_\_\_\_

5                   4. How did you plead?

6                   Guilty \_\_\_\_\_ Not Guilty xx   Nolo Contendere \_\_\_\_\_

7                   Any other plea (specify) \_\_\_\_\_

8                   5. If you went to trial, what kind of trial did you have?

9                   Jury xx           Judge alone \_\_\_\_\_   Judge alone on a transcript \_\_\_\_\_

10                  6. Did you testify at your trial?                   Yes \_\_\_\_\_           No xx

11                  7. Did you have an attorney at the following proceedings:

12                  (a)           Arraignment                   Yes xx           No \_\_\_\_\_

13                  (b)           Preliminary hearing           Yes xx           No \_\_\_\_\_

14                  (c)           Time of plea                   Yes xx           No \_\_\_\_\_

15                  (d)           Trial                           Yes xx           No \_\_\_\_\_

16                  (e)           Sentencing                   Yes xx           No \_\_\_\_\_

17                  (f)           Appeal                           Yes xx           No \_\_\_\_\_

18                  (g)           Other post-conviction proceeding   Yes xx           No \_\_\_\_\_

19                  8. Did you appeal your conviction?                   Yes xx           No \_\_\_\_\_

20                  (a)           If you did, to what court(s) did you appeal?

21                  Court of Appeal                           Yes xx           No \_\_\_\_\_

22                  Year: \_\_\_\_\_                           Result: \_\_\_\_\_

23                  Supreme Court of California           Yes xx           No \_\_\_\_\_

24                  Year: \_\_\_\_\_                           Result: \_\_\_\_\_

25                  Any other court                           Yes xx           No \_\_\_\_\_

26                  Year: \_\_\_\_\_                           Result: \_\_\_\_\_

27                  (b)           If you appealed, were the grounds the same as those that you are raising in this

1 petition? Yes        No xx2 (c) Was there an opinion? Yes        No xx

3 (d) Did you seek permission to file a late appeal under Rule 31(a)?

4 Yes        No xx

5 If you did, give the name of the court and the result:

6 \_\_\_\_\_  
7 \_\_\_\_\_8 9. Other than appeals, have you previously filed any petitions, applications or motions with respect to  
9 this conviction in any court, state or federal? Yes        No xx10 [Note: If you previously filed a petition for a writ of habeas corpus in federal court that  
11 challenged the same conviction you are challenging now and if that petition was denied or dismissed  
12 with prejudice, you must first file a motion in the United States Court of Appeals for the Ninth Circuit  
13 for an order authorizing the district court to consider this petition. You may not file a second or  
14 subsequent federal habeas petition without first obtaining such an order from the Ninth Circuit. 28  
15 U.S.C. §§ 2244(b).]16 (a) If you sought relief in any proceeding other than an appeal, answer the following  
17 questions for each proceeding. Attach extra paper if you need more space.18 I. Name of Court: SUPERIOR COURT OF CALIFORNIA19 Type of Proceeding: HABEAS PETITION

20 Grounds raised (Be brief but specific):

21 a. DUE PROCESS - LIBERTY INTEREST22 b. PRIOR CRIMINALITY23 c. GRAVITY OF THE CRIME

24 d. \_\_\_\_\_

25 Result: DENIED Date of Result: 11/14/0626 II. Name of Court: CALIFORNIA COURT OF APPEALS27 Type of Proceeding: HABEAS PETITION

28 Grounds raised (Be brief but specific):

- 1 a. DUE PROCESS - LIBERTY INTEREST
- 2 b. PRIOR CRIMINALITY
- 3 c. GRAVITY OF THE CRIME
- 4 d. \_\_\_\_\_

5 Result: Denied Date of Result: 2/21/07

6 III. Name of Court: CALIFORNIA SUPREME COURT

7 Type of Proceeding: HABEAS PETITION

8 Grounds raised (Be brief but specific):

- 9 a. DUE PROCESS - LIBERTY INTEREST
- 10 b. PRIOR CRIMINALITY
- 11 c. GRAVITY OF THE CRIME
- 12 d. \_\_\_\_\_

13 Result: Denied Date of Result: 10/17/07

14 IV. Name of Court: \_\_\_\_\_

15 Type of Proceeding: \_\_\_\_\_

16 Grounds raised (Be brief but specific):

- 17 a. \_\_\_\_\_
- 18 b. \_\_\_\_\_
- 19 c. \_\_\_\_\_
- 20 d. \_\_\_\_\_

21 Result: \_\_\_\_\_ Date of Result: \_\_\_\_\_

22 (b) Is any petition, appeal or other post-conviction proceeding now pending in any court?

23 Yes        No XX

24 Name and location of court: \_\_\_\_\_

25 B. GROUNDS FOR RELIEF

26 State briefly every reason that you believe you are being confined unlawfully. Give facts to  
27 support each claim. For example, what legal right or privilege were you denied? What happened?  
28 Who made the error? Avoid legal arguments with numerous case citations. Attach extra paper if you

1 need more space. Answer the same questions for each claim.

2 Note: You must present ALL your claims in your first federal habeas petition. Subsequent  
3 petitions may be dismissed without review on the merits. 28 U.S.C. §§ 2244(b); McCleskey v. Zant,  
4 499 U.S. 467, 111 S. Ct. 1454, 113 L. Ed. 2d 517 (1991).]

5 Claim One: The Board has repeatedly denied petitioner parole for the  
6 crime and unchanging factors.

7 Supporting Facts: On 12-13-05 Petitioner attended his second parole  
8 consideration hearing where the Board denied parole. Stating: "...you  
9 are not suitable for parole, and would pose an unreasonable risk of  
10 danger to society or a threat to public safety if released..."

11 Claim Two: The Boards conclusion that petitioner currently poses a  
12 threat to public safety was not supported by the record.

13 Supporting Facts: The Boards conclusion, at the 12/13/05 hearing, that  
14 petitioner currently poses a threat to public safety was not  
15 supported by the record and is refuted by California . code of  
16 regulations, title 15, section 2402.

17 Claim Three: \_\_\_\_\_

18 \_\_\_\_\_

19 Supporting Facts: \_\_\_\_\_

20 \_\_\_\_\_

21 \_\_\_\_\_

22 \_\_\_\_\_

23 If any of these grounds was not previously presented to any other court, state briefly which  
24 grounds were not presented and why:

25 \_\_\_\_\_

26 \_\_\_\_\_

27 \_\_\_\_\_

28 \_\_\_\_\_

1 List, by name and citation only, any cases that you think are close factually to yours so that they  
2 are an example of the error you believe occurred in your case. Do not discuss the holding or reasoning  
3 of these cases:

4 BIGGS v TERHUNE, 334 F.3d 910, 916 (9th Cir. 2003)

5 ROSENKRANTZ v MARSHALL, 444 F.2upp.2d 1063, 1084(C.D. Cal 2006)

6 HAYWARD v MARSHALL, 2008 DJDAR 93

7 Do you have an attorney for this petition? Yes        No

8 If you do, give the name and address of your attorney:  
9 \_\_\_\_\_

10 WHEREFORE, petitioner prays that the Court grant petitioner relief to which s/he may be entitled in  
11 this proceeding. I verify under penalty of perjury that the foregoing is true and correct.

12  
13 Executed on Feb. 14, 2008

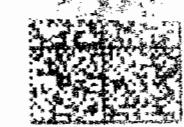
Demetrius N. Huff

14 Date

Signature of Petitioner

20 (Rev. 6/02)

27  
28



Demetrius D. Huff #J-333362  
CTF  
FW-215 Low  
P.O. Box 689  
Soledad, Ca. 93960

U.S. District Ct  
Northern District  
450 Golden Gt  
San Francisco, Ca  
qz